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**From:** Hall, Kristen [hall.kristen@epa.gov]  
**Sent:** 2/10/2020 2:51:05 PM  
**To:** Dennis Yuen [Dennis.Yuen@phila.gov]; Shine, Brenda [Shine.Brenda@epa.gov]; Foley, Patrick [Foley.Patrick@epa.gov]; Augustine, Bruce [augustine.bruce@epa.gov]; Garwood, Gerri [Garwood.Gerri@epa.gov]; Dewees, Jason [Dewees.Jason@epa.gov]; Thompson, Rhonda [Thompson.Rhonda@epa.gov]; Bray, Casey [bray.casey@epa.gov]; Stoltzfus, Robert [Stoltzfus.Robert@epa.gov]; Thomas Barsley [Thomas.barsley@phila.gov]; Fried, Gregory [Fried.Gregory@epa.gov]  
**CC:** Patrick O'Neill [Patrick.ONeill@Phila.gov]; Edward Wiener [Edward.Wiener@phila.gov]; Dennis Sosna [Hallie.Weiss@phila.gov]  
**Subject:** RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

Hi Dennis,

I will follow up with you to schedule an R3 and AMS call.

Thanks  
Kris

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Kris Hall  
Chief, Air Section  
Enforcement & Compliance Assurance Division  
Air, RCRA and Toxics Branch  
US EPA Region 3  
1650 Arch Street - 3ED21  
Philadelphia, PA 19103  
215-814-2168  
Hall.Kristen@epa.gov

-----Original Message-----

From: Dennis Yuen <Dennis.Yuen@phila.gov>  
Sent: Monday, February 10, 2020 9:43 AM  
To: Shine, Brenda <Shine.Brenda@epa.gov>; Foley, Patrick <Foley.Patrick@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda <Thompson.Rhonda@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.barsley@phila.gov>; Fried, Gregory <Fried.Gregory@epa.gov>  
Cc: Patrick O'Neill <Patrick.ONeill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Dennis Sosna <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

I figured I'd circle back to this, as the Environmental Integrity Project released a report on purported fenceline monitoring benzene emissions, as linked below -

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.environmentalintegrity.org%2Fwp-content%2Fuploads%2F2020%2F02%2FBenzene-Report-2.6.20.pdf&data=02%7C01%7CShine.Brenda%40epa.gov%7C37bdd2449465403fa6e308d7ae38a7c3%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637169430661510304&data=Edz3079LLhcaJhnFPSm7hKeF3hwFwm6T%2B6N6TpE97k8%3D&reserved=0>

Do we have a tentative date for a call on PES, and the attendant benzene fenceline monitor issue?

Thanks,

---

Dennis Yuen, Senior Attorney  
City of Philadelphia Law Dept.  
1515 Arch Street, 16th Floor  
Philadelphia, PA 19102  
Phone: 215-683-5173

-----Original Message-----

From: Shine, Brenda <Shine.Brenda@epa.gov>  
Sent: Thursday, January 23, 2020 1:53 PM  
To: Foley, Patrick <Foley.Patrick@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Dennis Yuen <Dennis.Yuen@phila.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda

<Thompson.Rhonda@epa.gov>; Zimmerman, Alyssa <zimmerman.alyssa@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.Barsley@PHILA.GOV>; Fried, Gregory <Fried.Gregory@epa.gov>  
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Hallie Weiss <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

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Sorry. I'm looking at the PDF that I got from R3 and it does have tracking number. We're looking for it now.

Brenda Shine  
Refining and Chemicals Group  
USEPA/OAR/OAQPS/SPPD  
(919) 541 3608 (office)  
(919) 812-8144 (cell)

-----Original Message-----

From: Foley, Patrick <Foley.Patrick@epa.gov>  
Sent: Thursday, January 23, 2020 12:04 PM  
To: Shine, Brenda <Shine.Brenda@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Dennis Yuen <Dennis.Yuen@phila.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda <Thompson.Rhonda@epa.gov>; Zimmerman, Alyssa <zimmerman.alyssa@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.barsley@phila.gov>; Fried, Gregory <Fried.Gregory@epa.gov>  
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Dennis Sosna <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

Brenda, your office is shown as an addressee or cc on the corrective action report as well. It apparently was not sent to the region nor ORE.

From: Shine, Brenda  
Sent: Thursday, January 23, 2020 12:00 PM  
To: Hall, Kristen; Foley, Patrick; Dennis Yuen; Augustine, Bruce; Garwood, Gerri; Dewees, Jason; Thompson, Rhonda; Zimmerman, Alyssa; Bray, Casey; Stoltzfus, Robert; Thomas Barsley; Fried, Gregory  
Cc: Patrick O'Neill; Edward Wiener; Dennis Sosna  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

I'd like to be included in this discussion. Dennis I think was referring to a site specific monitoring plan which was sent directly to EPA/OAR, but this was not the RCA/CA report. This was a plan that attempted to quantify offsite contributors to the monitor exceedances. We reviewed and did not agree with it (in conjunction with AMS and Region 3). PES voluntarily withdrew this plan before the refinery explosion..

Brenda Shine  
Refining and Chemicals Group  
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-----Original Message-----

From: Hall, Kristen <hall.kristen@epa.gov>  
Sent: Thursday, January 23, 2020 11:48 AM  
To: Foley, Patrick <Foley.Patrick@epa.gov>; Dennis Yuen <Dennis.Yuen@phila.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Shine, Brenda <Shine.Brenda@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda <Thompson.Rhonda@epa.gov>; Zimmerman, Alyssa <zimmerman.alyssa@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.barsley@phila.gov>; Fried, Gregory <Fried.Gregory@epa.gov>  
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Dennis Sosna <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

Can OECA set up a call with R3 and AMS so we can discuss this?

Thanks  
Kris

Kris Hall  
Chief, Air Section  
Enforcement & Compliance Assurance Division Air, RCRA and Toxics Branch US EPA Region 3  
1650 Arch Street - 3ED21

ED\_004461\_00018837-00002

Philadelphia, PA 19103  
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-----Original Message-----

From: Foley, Patrick <Foley.Patrick@epa.gov>  
Sent: Thursday, January 23, 2020 11:10 AM  
To: Dennis Yuen <Dennis.Yuen@phila.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Shine, Brenda <Shine.Brenda@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda <Thompson.Rhonda@epa.gov>; Zimmerman, Alyssa <zimmerman.alyssa@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.Barsley@phila.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>  
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Dennis Sosna <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

See my prior email. The standard for the RCA and CA is that it should find what is causing the exceedance of the 9 and stop it. The fact that it did not indicates strongly it was inadequate. This could be because the RCA did not identify the major contributing cause or that the CA was inadequate. If either is true, we can enforce it.

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From: Dennis Yuen [Dennis.Yuen@phila.gov]  
Sent: Thursday, January 23, 2020 10:55 AM  
To: Augustine, Bruce; Foley, Patrick; Shine, Brenda; Garwood, Gerri; Dewees, Jason; Thompson, Rhonda; Zimmerman, Alyssa; Bray, Casey; Stoltzfus, Robert; Thomas Barsley; Fried, Gregory; Hall, Kristen  
Cc: Patrick O'Neill; Edward Wiener; Dennis Sosna  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

As I read it, the relevant regulation refers to the 9 ug /M3 benzene level, as an action level, which triggers a requirement on behalf of the facility operator to determine the cause of said action level exceedances, and development of a plan of action to address such exceedances if it is determined that the facility is the cause.

See -

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.law.cornell.edu%2Fcftr%2Ftext%2F40%2F63.658&data=02%7C01%7CShine.Brenda%40epa.gov%7C37bdd2449465403fa6e308d7ae38a7c3%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637169430661520298&sd=5i6yP3hD3gz90kbdsJ7qXD18vLEUYOKXYEn6itse0y0%3D&reserved=0>

However, while there is a requirement that said root cause analysis and corrective action plan is to be provided to EPA, the rule does not spell how, or under what standard, such analysis / corrective action plan is to be reviewed. I'd note here, that PES in part, attributed some of the exceedance of the 9 ug /M3 action level in their June 2019 submission on benzene emissions from neighboring facilities. Also, if I did not mention it before, the City's copy of said document also indicates that PES may have mailed it to EPA's office in NC as well.

---

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-----Original Message-----

From: Augustine, Bruce <augustine.bruce@epa.gov>  
Sent: Thursday, January 23, 2020 10:46 AM  
To: Foley, Patrick <Foley.Patrick@epa.gov>; Dennis Yuen <Dennis.Yuen@phila.gov>; Shine, Brenda <Shine.Brenda@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda <Thompson.Rhonda@epa.gov>; Zimmerman, Alyssa <zimmerman.alyssa@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.Barsley@PHILA.GOV>; Fried, Gregory <Fried.Gregory@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>  
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Hallie Weiss <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

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Is the exceedance of the 9ug a violation or just an action level? I thought it only triggered the requirement to do the CAP and RCA? If OECA is thinking of potential enforcement, please include R3 in any of these discussions. We have discussed the likelihood of future enforcement considering that they are probably not going to operate as a refinery going forward and wont be subject to any of these regulations.

Bruce J. Augustine  
Environmental Scientist  
Enforcement & Compliance Assurance Division Air Section USEPA Region III

ED\_004461\_00018837-00003

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-----Original Message-----

From: Foley, Patrick <Foley.Patrick@epa.gov>  
Sent: Thursday, January 23, 2020 10:39 AM  
To: Dennis Yuen <Dennis.Yuen@phila.gov>; Shine, Brenda <Shine.Brenda@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Thompson, Rhonda <Thompson.Rhonda@epa.gov>; Zimmerman, Alyssa <zimmerman.alyssa@epa.gov>; Bray, Casey <bray.casey@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Thomas Barsley <Thomas.barsley@phila.gov>; Fried, Gregory <Fried.Gregory@epa.gov>  
Cc: Patrick O'Neill <Patrick.O'Neill@Phila.gov>; Edward Wiener <Edward.Wiener@phila.gov>; Dennis Sosna <Hallie.Weiss@phila.gov>  
Subject: RE: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

Dennis,

For the 1st reporting period, PES was the 2nd worst delta C in the country. The vast majority of refineries can meet the 9 ug/m3 delta C. I think we have about 10 out of 140 or so that exceeded. We have begun enforcement at the worst one and are now looking closely at PES here at EPA HQ for what action we can take. Shuttering the refinery is a complication.

Patrick

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From: Dennis Yuen [Dennis.Yuen@phila.gov]  
Sent: Thursday, January 23, 2020 10:27 AM  
To: Shine, Brenda; Garwood, Gerri; Dewees, Jason; Thompson, Rhonda; Zimmerman, Alyssa; Bray, Casey; Augustine, Bruce; Stoltzfus, Robert; Foley, Patrick; Thomas Barsley; Fried, Gregory  
Cc: Patrick O'Neill; Edward Wiener; Dennis Sosna  
Subject: PES Philadelphia Refinery Fence line Monitoring Issues - Refinery Sector Rule

Folks,

I'm contacting you all again, as you were all, for the most part on, or otherwise involved in the scheduling of conference calls regarding the PES Refinery's compliance with Benzene fenceline monitoring requirements of the Refinery Sector rule that happened back in 2019. As you know, as an outgrowth of those discussions, PES fenceline monitors, for the 1st year of data that was produced, showed the benzene fenceline 1 year rolling average were in excess of the 9 ug /M3 action level. Pursuant to the Refinery Sector Rule, PES submitted a corrective action plan / root cause analysis in June 2019. A copy of said corrective action plan / root cause analysis, which was sent to the City and AMS is attached. Now, the Q3 data uploaded to CEDRI still shows that the 1 year rolling average benzene levels at the PES fenceline are still in excess of the 9 ug /M3 action level. -

[cid:image001.png@01D5D1D6.85FD1560]

Given this result, it would appear that an another round of corrective action plan / root cause analysis under the Refinery Sector Rule would be technically required. That being said, as a practical matter there may not be a need to pursue further evaluation / investigation especially if it is unlikely said facility remains a refinery, especially in light of the purported sale (See - <https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.reuters.com%2Farticle%2Fus-pes-bankruptcy-sale%2Freal-estate-developer-in-240-million-deal-to-buy-philadelphia-refinery-idUSKBN1ZL220&data=02%7C01%7CShine.Brenda%40epa.gov%7C37bdd2449465403fa6e308d7ae38a7c3%7C88b378b367484867acf976aacbeca6a7%7C0%7C637169430661520298&data=Y535556UD0u0JHrTVMW5I6VR9U%2Fe9jLrGu0SQ6Prr4c%3D&reserved=0>). Does EPA have a position on whether further strict enforcement of the Refinery Sector Rule Fenceline monitoring requirements is warranted in this case?

Alternatively, what has EPA's experience with petroleum refineries and compliance with the benzene fenceline monitoring 9 ug / M3 action level requirement nationwide? Are refineries finding the requirement easy to meet? Or has enforcement of such requirements, after said root cause analysis / corrective action plan process, revealed actually MACT violations at the various point sources installed at such facilities?

Thanks,

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